

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 30 , 2002

IN RE:

**RESALE AGREEMENT AND AMENDMENT
THERETO NEGOTIATED BETWEEN
CITIZENS TELECOMMUNICATIONS
COMPANY OF THE VOLUNTEER STATE,
LLC D/B/A FRONTIER COMMUNICATIONS
OF THE VOLUNTEER STATE AND
UNIVERSAL TELECOM, INC.**

DOCKET NO. 02-00236

ORDER APPROVING RESALE AGREEMENT AND AMENDMENT THERETO

This docket came before the Tennessee Regulatory Authority (the "Authority") at the May 21, 2002 Authority Conference for approval of a Resale Agreement and Amendment thereto (the "Agreement and Amendment") negotiated between Citizens Telecommunications Company of the Volunteer State, LLC d/b/a Frontier Communications of the Volunteer State and Universal Telecom, Inc. The Agreement was filed on March 7, 2002, and the Amendment¹ was filed on May 20, 2002. The Agreement and Amendment came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the record in this matter and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendment and made the following findings and conclusions:

¹ The Amendment reflects the recent name change from Citizens Telecommunications Company of the Volunteer State, LLC d/b/a Citizens Communications of the Volunteer State to Citizens Telecommunications Company of the Volunteer State, LLC d/b/a Frontier Communications of the Volunteer State.

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The Agreement and Amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the Citizens Telecommunications Company of the Volunteer State, LLC service area.

3) The Agreement and Amendment are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

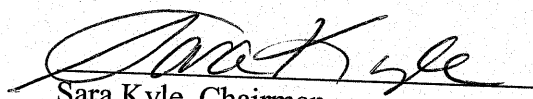
6) The Agreement and Amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

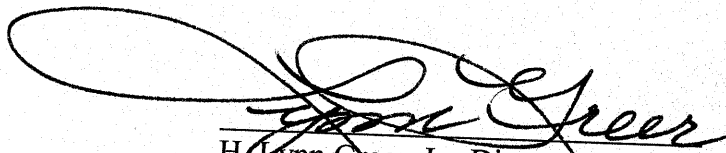
IT IS THEREFORE ORDERED THAT:

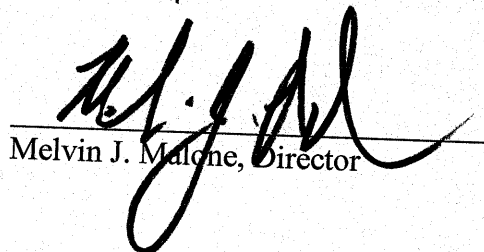
The Resale Agreement and Amendment thereto negotiated between Citizen Telecommunications Company of the Volunteer State, LLC d/b/a Frontier Communications of

² See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

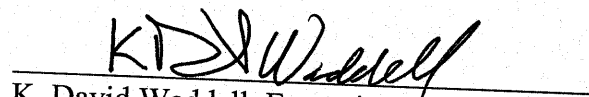
the Volunteer State and Universal Telecom, Inc. are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary